

REMARKS

This Amendment is being filed in response to the Office Action mailed on February 21, 2008, which had been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 remain in this application, where claims 17-20 are added.

By means of the present amendment, claims 4-8 and 10-16 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 4-8 and 10-16 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-14 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,587,510 (Minami). Further, claims 15-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Minami in view of U.S. Patent No. 5,671,219 (Jensen). It is respectfully submitted that claims 1-20 are patentable Minami and Jensen for at least the

following reasons.

Minami is directed to a method for controlling transmission power. On page 3 of the Office Action, in rejection claims 4-6 and 10-12, column 6, lines 15-19 and 20-29 are cited to allegedly show processing in particular group sizes. Applicants respectfully disagree and submit that column 6, lines 15-29 specifically recites:

In this connection, in the case of generating the control symbol S9, the control section 8 generates the control data which lowers the transmission power by 1 dB if the carrier to interference power ratio I/C is larger than a first threshold value, generates the control data which raises the transmission power by 1 dB if the carrier to interference power ratio I/C is smaller than a second threshold value, and generates the control data which holds the current transmission power if the carrier to interference power ratio I/C is between the first and the second threshold values. Based on these control data, the control symbol S9 is generated. Also, the carrier to interference power ratio I/C is detected for each one band slot, so that the control section 8 generates one control symbol S9 per one band slot. (Emphasis provided)

Thus, column 6, lines 15-29 merely discloses controlling power based on the interference power ratio I/C.

It is respectfully submitted that Minami does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 2-3 and 9 which,

amongst other patentable elements, recites (illustrative emphasis provided):

wherein combining means are provided for processing a plurality of power control commands to determine whether to adjust its output power as a function of a required step size included in the power control commands and a minimum available step size implemented by the secondary station.

Determining whether to adjust the output power as a function of the required step size included in power control commands and a minimum available step size is nowhere disclosed or suggested in Minami. Jensen is cited to allegedly show other features and do not remedy the deficiencies in Minami.

Accordingly, it is respectfully submitted that independent claims 1, 2-3 and 9 are allowable, and allowance thereof is respectfully requested. Claims 4-8 and 10-20 respectively depend from independent claims 1, 2-3 and 9 and accordingly are allowable for at least this reason, as well as for the separately patentable elements contained in each of said claims.

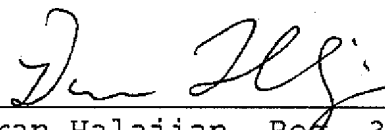
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

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presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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